

DUANE MORRIS LLP

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NORTON MCNAUGHTON OF SQUIRE, INC.,
JONES APPAREL GROUP, INC.,

Plaintiffs

Civil Action No. 07-CV-3716
(RWS)

- against -

**ORDER GRANTING
PLAINTIFFS' MOTION FOR
PARTIAL SUMMARY
JUDGMENT**

M/V MARGRETHE MAERSK, in rem, Maersk
Line, Maersk Sealand,

Defendants.

WHEREAS, this matter having been brought before the Court by Duane Morris, LLP, attorneys for Plaintiffs NORTON MCNAUGHTON OF SQUIRE, INC., JONES APPAREL GROUP, INC, upon notice to attorneys for Defendants M/V MARGRETHE MAERSK, in rem, Maersk Line, Maersk Sealand (“Defendants”) for an entry of an order granting Plaintiffs’ Cross-Motion for Partial Summary Judgment finding Defendants liable for the damaged ladies garments as a matter of law under the Carriage of Goods by Sea Act of 1936, 46 U.S.C. 1304(5) (“COGSA”);

WHEREAS, the Court having considered the parties’ submissions; and the arguments of counsel; and for good cause shown:

IT IS on this _____ day of _____ 2007;

ORDERED that Plaintiffs' Motion for Summary Judgment shall be, and hereby is **GRANTED**; and

IT IS FURTHER ORDERED that Defendants' motion for Partial Summary Judgment limiting Plaintiffs' damages to \$500.00 per package based on the package limitation provisions of COGSA is **DENIED**;

IT IS FURTHER ORDERED that counsel for Plaintiffs shall serve a copy of this Order upon all parties within seven (7) days of the date hereof.

ROBERT W. SWEET, U.S.D.J.